

Sixth Appellate District

San Jose, California

TUESDAY, JANUARY 21, 2003

H023907 EBLEN, et al. v. JOHANSON, et al.

The judgment is affirmed. Costs to defendants. (not published)

(Premo, Acting P.J.; We concur: Wunderlich, J., Rushing, J.)
Filed January 21, 2003

H023351 RASMUSSEN v. PLUMMER

The order after hearing on petition for injunction prohibiting harassment is affirmed. (not published)

(Premo, Acting P.J.; We concur: Wunderlich, J., Rushing, J.)
Filed January 21, 2003

H024067 PEOPLE v. DALE

The appeal is dismissed. (not published)

(Premo, Acting P.J.; We concur: Elia, J., Rushing, J.)
Filed January 21, 2003

H023672 PEOPLE v. DANDRIDGE

The judgment is affirmed. (not published)

(Premo, Acting P.J.; We concur: Wunderlich, J., Rushing, J.)
Filed January 21, 2003

H024741 PEOPLE v. STALENY

The judgment is affirmed. (not published)

(Wunderlich, J.; We concur: Elia, Acting P.J., Rushing, J.)
Filed January 21, 2003

H023297 PEOPLE v. GARIBAY

H024277 PEOPLE v. GARIBAY

In Case No. H023297, the probation condition at issue is modified as follows: "Not be in the presence of children known to defendant to be 16 years of age or younger unless another responsible adult is present with the exception of your son." As modified, the judgment is affirmed.

In Case No. H024277, the appeal is dismissed. (not published)

(Wunderlich, J.; We concur: Premo, Acting P.J., Rushing, J.)
Filed January 21, 2003

Sixth Appellate District

San Jose, California

WEDNESDAY, JANUARY 22, 2003

IN THE MATTER OF THE SELECTION OF AN ASSOCIATE JUSTICE TO ACT AS
PRESIDING JUSTICE

By The Court

Pursuant to the provisions of Article VI, Section 3 of the Constitution of the State of California and California Rules of Court, rule 75, I hereby select Associate Justice Eugene M. Premo as Acting Presiding Justice to perform all of the functions of Presiding Justice of the Sixth Appellate District when I am absent or unable to act, and in the event we are both absent or unable to act, I hereby select Associate Justice Franklin D. Elia as Acting Presiding Justice to perform all of the functions of the Presiding Justice of the Sixth Appellate District. When I am absent or unable to act, and in the event the above Justices are absent or unable to act, I hereby select Associate Justice Patricia Bamattre-Manoukian as Acting Presiding Justice to perform all of the functions of the Presiding Justice of the Sixth Appellate District. When I am absent or unable to act, and in the event the above Justices are absent or unable to act, I hereby select Associate Justice William M. Wunderlich as Acting Presiding Justice to perform all of the functions of the Presiding Justice of the Sixth Appellate District. When I am absent or unable to act, and in the event the above Justices are absent or unable to act, I hereby select Associate Justice Nathan D. Mihara as Acting Presiding Justice to perform all of the functions of the Presiding Justice of the Sixth Appellate District.

Dated January 22, 2003 Conrad L. Rushing
Administrative Presiding Justice

H022917 PEOPLE v. KIM

The judgment is affirmed. (not published)
(Wunderlich, J.; We concur: Premo, Acting P.J., Elia, J.)
Filed January 22, 2003

Sixth Appellate District

San Jose, California

THURSDAY, JANUARY 23, 2003

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Elia, Acting P.J.; Bamattre-Manoukian, J.; Mihara, J.; and Beth Miller, Deputy Clerk.

H023453 PEOPLE v. FOSTER

Cause called and argued by Rudolph G. Kraft appearing for Appellant and by George Hindall, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H023386 PEOPLE v. WILLIAMS

Cause called and argued by Victor Blumenkratz appearing for Appellant and by William M. Kuimelis, Deputy Attorney General, appearing for Respondent.

H023126 PEOPLE v. ACEVEDO, et al.

Cause called and argued by Frank McCabe appearing for Appellant Acevedo, Janice Brickley appearing for Appellant Rodriguez and by Jeremy Friedlander, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H023268 SCHUSTER, et al. v. MILESTONE

Cause called and argued by Lee N. Ormasa appearing for Appellants and by Bill Mark Milestone, Respondent appearing in pro per. Cause ordered submitted.

Elia, Acting P.J. leaves the bench and Premo, Acting P.J. takes the bench.

H024517 PEOPLE v. YANCARDO S.

Cause called and argued by Brian A. Pori appearing for Appellant and by George Hindall, Deputy Attorney General, appearing for Respondent. Cause ordered submitted. The court is in recess until the 1:30 p.m. calendar.

Sixth Appellate District

San Jose, California

Thursday, January 23, 2003 (continued)

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California.
Present: Bamattre-Manoukian, Acting P.J.; Wunderlich, J.; Mihara, J.; and W. Magsaysay, Deputy Clerk.

H022131 PEOPLE v. HAMEL

Cause called and argued by Edward Mahler appearing for Appellant and by Nanette Winaker, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H023772 SECURITY NATIONAL GUARANTY, INC. v. MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

Cause called and argued by Frederik A. Jacobsen appearing for Appellant and by Clement Shute appearing for Respondent. Cause ordered submitted.

H023691 HAYES v. SECURITY NATIONAL INSURANCE

Cause called and argued by Jeffrey E. Zinder appearing for Appellant and by James McManis appearing for Respondent. Cause ordered submitted. Court adjourns.

H022414 PEOPLE v. CATA

The judgment is modified to stay execution of sentence on Count 3 (sexual battery) and Count 4 (false imprisonment) pursuant to Penal Code section 654. The trial court is directed to amend the abstract of judgment accordingly and to forward a copy of the amended abstract of judgment to the Department of Corrections. As modified, the judgment is affirmed. (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed January 23, 2003

FRIDAY, JANUARY 24, 2003

H023031 PEOPLE v. LEAL

The judgment is affirmed. (published)
(Mihara, J.; We concur: Elia, Acting P.J., Bamattre-Manoukian, J.)
Filed January 24, 2003

Sixth Appellate District

San Jose, California

Friday, January 24, 2003 (continued)

H022364 WHENMOUTH, et al. v. STATE OF CALIFORNIA; HICKS v. STATE OF CALIFORNIA

The Hicks judgment is reversed. The matter is remanded to the trial court with directions to find the State liable and proceed with the damages phase of the trial. Hicks shall recover her appellate costs. The Whenmouth judgment is affirmed. (not published)

(Mihara, J.; I concur: Bamattre-Manoukian, J.; with concurring and dissenting opinion by Rushing, P.J.)

Filed January 24, 2003

H024379 In re ANGELINA A., et al.; DFCS v. CARLOS A.

H024275 In re ANGELINA A., et al.; DFCS v. CYNTHIA R.

The judgment is affirmed. (not published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed January 24, 2003

H024249 In re A., et al.; DFCS v. JEFF P.

The order is affirmed. (not published)

(Mihara, J.; We concur: Elia, Acting P.J., Bamattre-Manoukian, J.)

Filed January 24, 2003

H024484 Adoption of RICHARD N.; MICHAEL H. v. RICHARD N.

The order is affirmed. (not published)

(Mihara, J.; We concur: Elia, Acting P.J., Bamattre-Manoukian, J.)

Filed January 24, 2003

Sixth Appellate District

San Jose, California

Friday, January 24, 2003 (continued)

H023994 PEOPLE v. ARTURO F.

The judgment is modified to reflect a misdemeanor violation of section 12025, subdivision (a)(1) in count 3, and to reflect that the minor's maximum term of confinement is seven years. The dispositional order shall reflect modification of the probation condition that reads as follows: "Have no direct or indirect contact with victim or any member of victim's family. Stay [at] least 100 [yards] away from victim's residence[, vehicle[, school and place of employment." As modified, the probation condition shall read as follows: "Do not knowingly contact any of the victims or the families of the victims, and do not knowingly go within 100 yards of the victims' residences, vehicles, schools, and places of employment." As modified, the judgment is affirmed. (not published)

(Bamattre-Manoukian, J.; We concur: Premo, Acting P.J., Mihara, J.)

Filed January 24, 2003

H024517 PEOPLE v. YANCARDO S.

The order committing the minor to the CYA is affirmed. (not published)

(Bamattre-Manoukian, J.; We concur: Premo, Acting P.J., Mihara, J.)

Filed January 24, 2003